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SUBJECT: ELECTORAL LAWS

REF: STATE 166115

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Joan Zgurbey DATE 10/5/81
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AUTH. REASON (3)
ENDORSE EXISTING MARKINGS ☐
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FA or FOI EXEMPTIONS

1. THE CONSTITUTION CHARGES THE CONSTITUTENT ASSEMBLY WITH THE RESPONSIBILITY FOR DRAFTING ELECTION LAWS FOR THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT, UPPER AND LOWER HOUSES. IN PROMULGATING THE CONSTITUTION, GENERAL THIEU ASKED THAT THE ASSEMBLY COMPLETE THESE LAWS BY THE END OF APRIL.

2. THE ELECTORAL LAWS WILL BE OF GREAT IMPORTANCE IN DETERMINING WHETHER THE FORTHCOMING ELECTIONS ARE FAIR AND FREE, AND WHETHER A GOVERNMENT IS ESTABLISHED WHICH ENJOYS A SATISFACTORY POPULAR MANDATE. FOR THESE REASONS WE WILL MONITOR CLOSELY THE ASSEMBLY'S WORK ON THE

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ELECTORAL LAWS, AND WHEN IT SEEMS NECESSARY WE WILL SEEK TO INFLUENCE THEIR DELIBERATIONS.

(2) 3. WE DO NOT HAVE THE MEANS, AND IT WOULD NOT BE DESIRABLE IN ANY EVENT, FOR US TO ATTEMPT TO INFLUENCE IN GREAT DETAIL THE CONTENT OF THE ELECTORAL LAWS. THESE LAWS SHOULD BE A VIETNAMESE PRODUCT. AS IN THE CASE OF THE CONSTITUTION, OUR POWERS OF PERSUASION WILL PROBABLY BE EFFECTIVE IN SOME, BUT CERTAINLY NOT ALL CASES. WE THEREFORE WANT TO IDENTIFY AND CONCENTRATE ON THE BASIC PRINCIPLES AND CERTAIN KEY DETAILS WHICH ARE IMPORTANT TO OUR NATIONAL INTEREST, LEAVING THE REST TO THE VIETNAMESE.

4. IT IS OUR IMPRESSION THAT THE ASSEMBLY WILL BE MOST

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LIKELY TO WRITE THREE SEPARATE ELECTORAL LAWS, ONE EACH FOR PRESIDENTIAL, SENATORIAL AND LOWER HOUSE ELECTIONS. THIS MESSAGE DEALS ONLY WITH THE LAW FOR PRESIDENTIAL ELECTIONS. WE INTEND TO USE THE FOLLOWING AS OUR OPERATING GUIDE IN THE WEEKS AHEAD, AND WE WOULD APPRECIATE DEPARTMENT COMMENT AND GUIDANCE ON IT.

5. GENERAL CONSIDERATIONS. FROM THE POINT OF VIEW

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OF THE UNITED STATES, THE PRESIDENTIAL ELECTIONS SHOULD SATISFY TWO BASIC GOALS: THEY MUST TEND TO UNITE THE NATION - NOT DIVIDE IT - UNDER EFFECTIVE LEADERSHIP; AND THEY MUST PRESENT TO THE VIETNAMESE PEOPLE AND TO THE WORLD THE ACT OF A FREE PEOPLE FREELY EXERCISING THEIR RIGHT TO CHOOSE THEIR OWN LEADERS.THIS MEANS THAT THE LAWS MUST BE FRAMED WITH THE CLEAR INTENTION OF PROVIDING EQUALITY FOR ALL CANDIDATES. THRERE SHOULD BE STRONG AND CONVINCING SAFEGUARDS AGAINST ELECTION FRAUD. (THE APPEARANCE OF FRAUD MUST BE AVOIDED AS CAREFULLY AS THE FACT.) THE LAW MUST PERMIT FULL PARTICIPATION BY THE WIDEST POSSIBLE ELECTORATE, I.E. ALL THE PEOPLE. THE LAW SHOULD TRY TO INSURE THAT THE AINNER HAS A RESPECTABLE MANDATE - 40 PER CENT OF THE VOTE OR MORE. IF THESE CONDITIONS ARE MET, THE POLITICAL OFFENSIVE AGAINST THE VIET CONG WHICH BEGAN WITH THE SEPTEMBER 1966 ELECTIONS WILL MAINTAIN ITS MOMENTUM, AND THE CLAIM OF THE VIET CONG TO REPRESENT THE PEOPLE OF THIS COUNTRY WILL BECOME MORE AND MORE PALPABLY FALSE.

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6. EQUAL FACILITIES: (A) IT IS COMMONLY SAID BY POLITICAL LEADERS THAT THE GOVERNMENT CANDIDATE WILL ENJOY GREAT ADVANTAGES IN TERMS OF FACILITIES WUCH AS TRANSPORT, OFFICE WORKERS, OFFICE SPACE, AND PUBLIC MEDIA. MANY FEAR AND SOME FULLY EXPECT THE GOVERNMENT CANDIDATE TO MAKE USE OF ARMY AND CIVIL SERVANT PERSONNEL AS CAMPAIGN WORKERS, AND TO USE PUBLIC FUNDS TO FINANCE HIS CAMPAIGN.

(B) THESE FEARS CAUSED THE ASSEMBLY TO WRITE INTO THE CONSTITUTION IN ARTICLE 54(2) THE REQUIREMENT THAT "CANDIDATES WILL RECEIVE EQUAL FACILITIES IN THE ELECTORAL CAMPAIGN". THIS CONCERN WAS ALSO PARTLY RESPONSIBLE FOR THE CONSTITUTIONAL BAN ON POLITICAL PARTY ACTIVITY

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BY MILITARY PERSONNEL ON ACTIVE DUTY (ARTICLE 23). IN THE ELECTORAL LAW FOR THE CA ELECTIONS, ARTICLE 19 PROVIDED FOR THE FORMATION OF ELECTION CAMPAIGN COMMITTEES COMPOSED OF REPRESENTATIVES CHOSEN BY HE CANDIDATES THEMSELVES. THESE COMMITTEES WERE CHARGED WITH CONTROLLING THE CANDIDATES' USE OF SUCH CAMPAIGN FACILITIES AS POSTERS, PUBLIC MEETINGS, PRESS CONFERENCES, AND THE USE OF MEDIA SUCH AS RADIO AND TELEVISION. THE INTENTION

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WAS THAT THE CANDIDATES SHOULD POLICE EACH OTHER TO INSURE EQUALITY OF FACILITIES IN THE CAMPAIGN. CANDIDATES WERE PROHIBITED (ARTICLE 24) FROM MAKING USE OF CAMPAIGN FACILITIES OTHER THAN THOSE APPROVED BY THE ELECTION CAMPAIGN COMITTEES.

(C) THE ELECTION CAMPAIGN COMMITTEES DID NOT IN FACT PREVENT MANY SUCCESSFUL CANDIDATES FROM USING FACILITIES AND PERSONNEL (PARTICULARLY CAMPAIGN WORKERS HIRED AT THEIR OWN EXPENSE) WHICH WERE NOT AVAILABLE TO ALL CANDIDATES. WE DO NOT ANTICIPATE THAT SUCH DEVICES WILL BE MORE EFFECTIVE IN THE COMING ELECTIONS. NEVERTHELESS WE BELIEVE THEY ARE USEFUL BECAUSE THEY TEND TO DISCOURAGE THE MORE BLATANT USE OF FACILITIES NOT EQUALLY AVAILABLE TO ALL CANDIDATES. WE EXPECT THE ASSEMBLY WILL PROVIDE FOR SUCH A COMMITTEE FOR THE PRESIDENTIAL ELECTION.

(D) WE ARE INCLINED TO BELIEVE THAT A MORE POSITIVE AND PROBABLY MORE EFFECTIVE APPROACH WOULD BE TO PROVIDE AT GOVERNMENT EXPENSE A SIZEABLE BUT REASONABLE BUDGET FOR ALL THOSE CANDIDATES APPROVED BY THE CONSTITUENT

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ASSEMBLY (THE ASSEMBLY IS CHARGED BY THE CONSTITUTION WITH ESTABLISH A LIST OF THE PRESIDENTIAL CANDIDATES). SUCH A BUDGET WOULD BE SUBJECT TO SCRUTINY BY THE ELECTION CAMPAIGN COMMITTEE, ACCOUNTED FOR INPUBLIC STATEMENTS FOLLOWING THE ELECTION, AND ALSO PERHAPS SUBJECT TO EVENTUAL AUDIT BY THE NEW INSPECTORATE WHEN IT IS ESTABLISHED. SUCH A BUDGET MIG T BE IN THE NEIGHBORHOOD OF 50 MILLION PIASTERS PER PRESIDENTIAL CANDIDATE; THIS IS THE FIGURE THAT A NUMBER OF POLITICAL LEADERS CITE AS THE MINIMUM REQUIRED FOR A NATIONAL CAMPAIGN. WE WILL DISCUSS THIS PROPOSAL AS OPPORTUNITY ARISES WITH SELECTED CA DEPUTIES. LODGE
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(E) WE WILL ALSO SEEK TO PERSUADE GOVERNMENT LEADERS, WHENEVER APPROPRIATE, OF THE IMPORTANCE OF NOT TAKING UNDUE AND OBVIOUS ADVANTAGE OF THE FACILITIES AVAILABLE TO GOVERNMENT SUPPORTED CANDIDATES. THE ADVANTAGE ENJOYED BY GOVERNMENT CANDIDATES WILL NOT BE ELIMINATED EITHER BY SUCH DEVICES AS THOSE DISCUSSED ABOVE OR BY OUR PERSUASION, BUT WE HOPE THEY WILL ELIMINATED AT LEAST ANY BLATANT OR OVERWHELMING USE OF GOVERNMENT FACILITIES BY THE GOVERNMENT CANDIDATES.

7. CANDIATE QUALIFICATIONS AND SCREENING:

(A) THE CONSTITUIONAL REQUIREMENTS FOR PRESIDENTIAL CANDIDATES ARE REASONABLE, AND WE DO NOT EXPECT THAT THE ASSEMBLY WILL ELABORATE ON THEM TO

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ANY SIGNIFICANT DEGREE IN THE ELECTORAL LAW. SOME SENTIMENT MAY BE EXPRESSED FOR A REQUIREMENT THAT MILITARY PERSONNEL RESIGN THEIR POSITIONS A DESIGNATED PERIOD OF TIME BEFORE THE ELECTION IF THEY NOW HOLD IMPORTANT CIVIL OFFICE. THIS WOULD BE SIMILAR TO PROVISIONS IN THE 1966 ELECTORAL LAW. SUCH A MOVE WOULD PROBABLY CAUSE SERIOUS PROBLEMS FROM THE POINT OF VIEW OF THE MILITARY LEADERSHIP.

(B) THE ASSEMBLY MAY CONSIDER A BAN, SIMILAR TO THAT IN THE 1966 ELECTORAL LAW, ON CANDIDATES WHO ARE COMMUNISTS, PRO-COMMUNIST NEUTRALISTS, OR WHOSE ACTIONS ASSIST THE COMMUNISTS. SUCH A PROVISION WOULD NOT AFFECT

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ANY OF THE POTENTIAL PRESIDENTIAL CANDIDATES NOW ON THE HORIZON AND IT IS OF COURSE CONSISTENT WITH ARTICLE 4 OF THE CONSTITUTION.

(C) AS THE CONSTITUTIONAL ASSEMBLY IS CHARGED WITH ESTABLISHING A LIST OF PRESIDENTIAL CANDIDATES, IT APPEARS THAT THE MAIN TASK OF SCREENING CANDIDATES WILL FALL TO THE ASSEMBLY.THIS PRESENTS NO OBVIOUS PROBLEM FROM OUR POINT OF VIEW.

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8. RESPECTABLE MANDATE: (A) IN ORDER TO INSURE THAT THE WINNING CANDIDATE HAS A RESPECTABLE PER CENT OF THE VOTE, WE HAVE CONSISTENLY SOUGHT TO PERSUADE ASSEMBLY DEPUTIES AND GOVERNMENT LEADERS THAT THERE SHOULD BE PROVISION FOR A RUN-OFF ELECTION. SOME DEPUTIES APPEAR TO BE CONVINCED OF THE NEED FOR SUCH A DEVICE, AND WE WILL CONTINUE OUR EFFORTS TO PESUADE THEM OF ITS VALUE.

(B) THINKING IN ERMS OF THE CANDIDATES NOW IN THE FIELD, WE DO NOT BELIEVE THAT THE DEVICES MENTIONED IN STATE 166115 WOULD BE LIKELY TO REDUCE THE NUMBER OF CANDIDATES SIGNIFICANTLY. ALL OF THE CIVILIAN CANDIDATES WHO HAVE ANNOUNCED THIE INTENTION TO RUN COULD AND PROBABLY WOULD MEET THE REQUIREMENTS IMPOSED BY SUCH DEVICES. THUS WE WOULS STILL HAVE A FIELD OF FIVE OR MORE CANDIDATES (SUU, HUONG, UUAT, HA THUC KY, AND THE MILITARY CANDIDATE), AND THE WINNER MIGHT CONCEIVABLY HAVE AS LITTLE AS 21 PER CENT OF THE VOTE. IF A CAMPAIGN BUDGET IS PROVIDED THE CANDIDATES AS SUGGESTED IN 5D, THOSE WHO GET LESS THAN 10 PER CENT OF THE VOTE COULD BE REQUIRED TO REPAY HE SUMS SPENT

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OVER A PERIOD OF SEVERAL YEARS. THIS MIGHT DISCOURAGE CANDIDATES SUCH AS QUATE AND HA THUC KY. WE WILL SUGGEST THIS DEVICE TO APPROPRIATE DEPUTIES. HOWEVER, WE BELIEVED THE RUN-OFF ELECTION S THE ONLY SURE SOLUTION TO THIS PROBLEM, AND WE WILL CONCENTRATE ON THAT SUGGESTION.

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9. VOTER QUALIFICATIONS AND REGISTRATIONS

(A) PRESUMABLY THE PROCESS OF VOTER REGISTRATION WILL BE MUCH THE SAME AS THAT ESTABLISHED FOR THE SEPTEMBER 1966 AND THE CURRENT VILLAGE-HAMLET ELECTIONS. LISTS OF VOTERS ARE MADE BY VILLAGE ADMINISTRATIVE COMMITTEES, POSTED PUBLICLY, AND APPROVED FINALLY ONLY AFTER THE VOTERS HAVE A CHANCE TO REQUEST CHANGES. COMPLAINTS ABOUT THE REGISTRATIONPROCESS HAVE IN THE PAST BEEN DEALT WITH BY SPECIAL COMMITTEES. AT THE PROVINCE LEVEL THESE HAVE INCLUDED PROVINCIAL COUNCILORS. IN RE SEPTEMBER 1966 ELECTIONS, THE NATIONAL LEVEL CONTROL COMMITTEE FOR THIS PURPOSE WAS COMPOSED OF TWO LEADING JUDGES, THE DEAN OF THE LAWYERS ASSOCIATION, FIVE MEMBERS OF THE PAC, AND ON REPRESENTATIVE OF THE MINISTRYOF INTERIOR. LODGE
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(B) VOTER REGISTRATION HAS IN THE PAST BEEN CARRIED OUT IN A SATISFACTORY MANNER WITH LITTLE GROUND FOR COMPLAINTS. HOWEVER, THIS IS LIKELY TO BE A MORE SENSITIVE ISSUE IN THE PRESIDENTIAL ELECTION THAN IT WAS INTHE CA ELECTION. WE WOULD THEREFORE PREFER TO SEE THE CONTROL COMMITTEE AT THE NATIONAL LEVEL COMPOSED OF PERSONS WHO COULD NOT REASONABLY BE CONSIDERED PARTIAL TO THE GOVERNMENT CANDIDATE. WE WILL MAKE THIS POINT, AS THE OPPORTUNITY OFFERS, WITH APPROPRIATE OFFICIALS AND ASSEMBLY DEPUTIES. (C) VOTER QUALIFICATIONS FOR BOTH THE SEPTEMBER 1966 AND THE CURRENT LOCAL ELECTIONS ARE SIMPLE AND PROPER. THE ONLY CHANGE WE MIGHT WISH TO MAKE

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FOR THE PRESIDENTIAL ELECTION IS THE INCLUSION OF A STATEMENT SPECIFICALLY PROVIDING THAT HOI CHANH MAY VOTE AND RUN FOR OFFICE.

10 SUPERVISING THE ELECTIONS: (A) ARTICLE 113 OF THE CONSTITUTION SPECIFIES THAT THE ASSEMBLY WILL SUPERVISE THE ELECTIONS IN ORDER TO INSURE THAT THEY ARE CONDUCTED FREELY AND HONESTLY. WE ASSUME THAT THIS CLAUSE WILL BE ELABORATED BY A SERIES OF DETAILED INSTRUCTIONS ON THE METHODS OF SETTING UP AND MONITORING POLLING STATIONS, COUNTING AND REPORTING THE BALLOTS, AND THE LIKE. THE PROVISIONS OF THE 1966 ELECTORAL LAW SEEM ADEQUATE, AND WE EXPECT THAT THEY WILL BE FOLLOWED IN GENERAL.

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11. LENGHT OF THE CAMPAGIN: (A) ALTHOUGH PHAM KHAC SUU IS KNOWN TO FAVOR A LONG FORMAL CAMPAIGN, ALL PRECEDENTS HERE ARE FOR SHORT CAPAIGN PERIODS. THE CAMPAIGN PERIOD FOR THE CONSTITUENT ASSEMBLY AAS 16 DAYS; FOR THE CURRENT LOCAL ELECTIONS, EIGHT DAYS.

(B) IF AS SEEMS LIKELY THE GOVERNMENT CANDIDATE IS KY OR THIEU, A SHORT CAMPAIGN WOULD RESULT IN LESS DISTRACTION OF GOVERNMENT LEADERS FROM THE BUSINESS OF RUN-

NING THE GOVERNMENT AND FIGHTING THE WAR. A SHORT CAMPAIGN WOULD ALSO PUT SOMEWHAT LESS STRAIN ON LESSER ADMINSTRATIVE OFFICIALS AND SHOULD COST LESS. MOREOVER, A LONG CAMPAIGN MIGHT TEND TO INCREASE THE CHANCES OF BITTER AND DIVISIVE EXCHANGES BETWEEN THE PRINCIPAL CANDIDATES. FOR THESE REASONS, WE FAVOR A SHORT FORMAL CAMPAIGN, NO LONGER THAN THREE WEEKS AND PREFERABLY ONLY TWO WEEKS.

12. WHILE NOT PROPERLY PART OF TH ELECTORAL LAW, WE WILL WANT TO BE SURE THAT BOTH THE GOVERNMENT AND THE ASSEMBLY UNDERSTAND THE IMPORTANCE OF FULL PRESS COVERAGE OF THE CAMPAIGN AND THE ELECTIONS. WE WILL BE TALKING ABOUT PRESS FACILITIES WITH THE GOVERNMENT AND THE CA.

13. THERE IS ALSO THE TOUGH QUESTION OF POSSIBLE GOVERNMENT AMENDMENT OF THE ELECTORAL LAW DRAFTED BY THE ASSEMBLY. IT IS NOT CLEAR FROM EITHER THE CONSTITUTION OR ANY FORMAL EXCHANGE BETWEEN THE GOVERNMENT AND THE ASSEMBLY JUST HOW THE LEGISLATION PROVDED FOR UNDER ARTICLE 109 IS TO BE TREATED BY THE DIRECTORATE. IF THE MILITARY ARE NOT HAPPY WITH THE ASSEMBLY'S WORK, THEY MAY WELL TAKE THE POSITION THAT THEY HAVE THE RIGHT TO AMEND THE LAW BY DECREE AS WAS DONE IN THE CASE OF THE 1966 ELECTORAL LAW. WE BELIEVE THAT THE PAST RECORD INCIATES THAT THE ASSEMBLY AND THE MILITARY WILL BE ABLE TO AVOID ANY HEAD ON CLASH OVER THIS ISSUE, BUT WE ALSO HOPE THEY WILL AVOID ANY LINGERING FEELINGS OR SUSPICIONS GENERATED OVER THE ELECTORAL LAW. WE WILL THEREFORE BE WATCHING THIS MATTER VERY CLOSLEY AND WILL COUNSEL EARLY CONSULTATION BETWEEN THE TWO PARTIES.

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SUBJECT: CONSTITUENT ASSEMBLY: APRIL 15 SESSION

CINCPAC FOR POLAD

1. DURING APRIL 15 SESSION CA COMPLETED ELECTION OF OFFICERS AND BEGAN SELECTING COMMITTEE CHAIRMEN. DEPUTIES NGUYEN HUU LUONG, LE THANH CHAU AND NGUYEN VAN SANG WERE ELECTED FIRST, SECOND AND THIRD VICE SECRETARIES-GENERAL RESPECTIVELY. ETHNIC CAMBODIAN THACH SUNG, PREVIOUSLY THIRD VICE SECGEN, WAS NOT A CANDIDATE. OUTGOING SECOND VICE SECGEN, NGUYEN HUU CHUNG, RAN BUT WAS DEFEATED. NGUYEN LONG GIAO AND MAI DUC THIEP WERE ELECTED FIRST AND SECOND TREASURERS, RESPECTIVELY.

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2. CA THEN ELECTED 55-YEAR OLD LAWYER DINH XUAN QUANG CHAIRMAN OF ELECTION LAW DRAFTING COMMITTEE. QUANG RECEIVED 55 VOTES. HE WAS OPPOSED BY TRUONG TIEN DAT WHO RECEIVED ONLY 38 VOTES DESPITE BACKING UP 46 MAN DEMOCRATIC-ALLIANCE BLOC. UUANG, WHO IN CA ELECTIONS HEADED "RISING SUN" SLATE IN GIA DINH IV, IS CLOSE TO DR. PHAN QUANG DAN AND WAS PROBABLY ELECTED COMMITTEE CHAIRMAN BY COALITION OF INDEPENDENT, SOUTHERN RENAISSANCE AND GREATER PEOPLES BLOC DEPUTIES. QUANG WAS FORMERLY CHAIRMAN OF CA'S CREDENTIALS COMMITTEE.

3. ARVN LIEUTENANT NGUYEN MINH DANG WAS ELECTED CHAIRMAN OF PRESS REGULATIONS DRAFTING COMMITTEE. HE DEFEATED SOUTHERN RENAISSANCE FLOOR LEADER LY QUI CHUNG BY VOTE OF 40 TO 36. DEPUTY NGUYEN VAN SAM WAS ALSO A CANDIDATE AND RECEIVED 17 VOTES. DANG IS MEMBER OF DEMOCRATIC-ALLIANCE AND CONSIDERED CLOSE TO NORTHERN ELEMENTS IN GVN. AFTER HIS ELECTION CHUNG EXPRESSED SURPRISE TO EMBOFF THAT NGUYEN VAN SAM HAD NOT

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WITHDRAWN FROM CONTEST. SAM IS MEMBER OF RENAISSANCE BLOC AND PROBABLY DREW SUFFICIENT VOTES AWAY FROM CHUNG TO KEEP LATTER FROM WINNING. CHUNG HAS NOW DECIDED THAT SAM IS SECRET MEMBER OF DEMOCRATIC-ALLIANCE AND PLANS TO HAVE HIM EXPELLED FROM MRS.

4. ELECTION OF COMMITTEE CHAIRMAN WILL CONTINUE AT APRIL 17 SESSION.

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1. PRESIDENTIAL HOPEFUL HA THUC KY TOLD EMBOFF APRIL 16 THAT FORMAL ANNOUNCEMENT HIS CANDIDACY HAD BEEN MADE APRIL 12 WITH INTENTION SQUELCHING RUMORS THAT HE PLANNED TO BE GENERAL THIEU'S RUNNING-MATE. KY HAD ORIGINALLY INTENDED HOLD OFF ANNOUNCEMENT UNTIL AFTER PROMULGATION OF PRESIDENTIAL ELECTION LAW. KY HAS STILL NOT SELECTED RUNNING-MATE ALTHOUGH HE HAS BEEN ACTIVELY SEEKING ALLIANCES IN DELTA AND CLAIMS SUPPORT OF SEVERAL OBSCURE SOUTHERN SECTS.

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2. KY DOES NOT FORESEE NEED FOR RUN-OFF PROVISION IN ELECTIONLAW BECAUSE SERIOUS PRESIDENTIAL CONTENDERS WILL NOT BE THAT NUMEROUS. HE FAVORS RELATIVELY LONG CAMPAIGN PERIOD, AT LEAST TWO MONTHS; AND HE HOPES CIVILIAN CANDIDATES WILL BE AFFORDED MEANS TO WAGE DECENT CAMPAIGN. HIGHLY SUSPICIOUS BY NATURE, KY ASSUMES THAT MILITARY CANDIDATE, WHOEVER HE IS, WILL CREATE VARIETY OF SUBTLE OBSTACLES TO ASSURE FAILURE OF HIS OPPONENTS. AS EXAMPLE, KY SAYS HE AND PHAN KHAC SUU HAVE ALREADY BEEN REFUSED PERMISSION TO OPEN NEWSPAPERS.

(2)

3. KY SAYS HE ALSO PLANS TO FORM TWO LISTS FOR UPPER HOUSE ELECTIONS. THEY WILL BE MIXTURE OF REVOLUTIONARY DAI VIET AND OTHER ELEMENTS. HE BELIEVES, HOWEVER, THAT HIS PARTY'S BEST CHANCES WILL BE IN LOWER-HOUSE ELECTIONS WHICH WILL BE ON

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SINGLE-MEMBER CONSTITUENCY BASIS.

4. KY HAS HEALTHY RESPECT FOR TRAN VAN HUONG AND MAINTAINS THAT HUONG LIKELY HAS TACIT SUPPORT OF MILITANT BUDDHISTS. SINCE OVERT SUPPORT BY TRI

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QUANG FOR HUONG MIGHT BE EMBARRASSING, IT WILL BE CHANNELED THROUGH PHAN BA CAM'S NEWLY FORMED COMMITTEE STRUGGLING FOR REVOLUTION AND DEMOCRACY.

5. COMMENT. (A) WE HAVE HEARD SEVERAL REPORTS THAT THI QUANG IS BACKING PHAN BA CAM COMMITTEE BUT CAM HIMSELF TOLD EMBOFF NO RELIGIOUS LEADERS ARE INVOLVED IN HIS ORGANIZATION. PROBABLY TRI QUANG WANTS TO SUPPORT GROUPS WHO OPPOSE PRESENT MILITARY LEADERS, BUT NO FACTION IS WILLING TO ADMIT ANY CONNECTION WITH HIM.

(B) KY PROBABLY OPPOSES RUN-OFF PRECISELY BECAUSE HE THINKS HIS ONLY CHANCE OF WINNING IS IN A FIELD OF FOUR OR FIVE NEARLY EQU . CANDIDATES WHERE HIS BLOC OF DAI VIET VOTES MIGHT BE ENOUGH TO GIVE HIM SLIGHTLY HIGHER PERCENT OF THE VOTE THAN THE OTHER CANDIDATES. WE DOUBT, HOWEVER, THAT EVEN IN SUCH A SITUATION KY WOULD HAVE MUCH HOPE OF WINNING. HE HAS SOME SUPPORT IN CENTRAL VIET-NAM, BUT IN OUR JUDGEMENT, NOT ENOUGH TO BE A SERIOUS CONTENDER. LODGE
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1. THE RELATIVE STANDINGS OF THIEU AND KY WITHIN THE MILITARY ARE NOT CLEAR. THEY ALSO APPEAR TO BE SUBJECT TO SOMEWHAT UNPREDICTABLE CHANGE. THE MAJORITY OF THE MEMBERS OF THE ARMED FORCES COUNCIL SEEM TO BE CAREFULLY MAINTAINING POSITIONS WHICH WILL ENABLE THEM TO MOVE IN BEHIND EITHER KY OR THIEU WHEN THEY JUDGE THE TIME IS RIPE AND THE OUTCOME REASONABLY CERTAIN. THIS WAIT-AND-SEE ATTITUDE IS DEMONSTRATED BY THE APPARENT UNWILLINGNESS OF THE ARMED FORCES COUNCIL TO BE COMMITTED. NEITHER DO THE MILITARY MEMBERS OF THE DIRECTORATE WISH TO GIVE THE EQUIVALENT OF A POLITICAL ENDORSEMENT, ALTHOUGH THEY WILL EVENTUALLY, THOUGH INDIRECTLY, PROBABLY TAKE A POSITION. THE TOP OFFICERS DO NOT WANT THE LINES CLEARLY

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DRAWN BECAUSE THEY WANT TO AVOID BEING DIVIDED INTO TWO OPPOSING CAMPS AND BECAUSE IT SEEMS INAPPROPRIATE TO ACT LIKE A POLITICAL NOMINATING CONVENTION. THEY MAY BE RELUCTANT TO MAKE A CHOICE WHICH, IF THEY GUESS WRONG, COULD MORTGAGE THEIR FUTURES OR EVEN END THEIR MILITARY CAREERS.

2. EVEN IN THE CASE OF THOSE SENIOR OFFICERS WHO ARE PRETTY WELL IDENTIFIED AS FAVORING KY OR THIEU, IT WOULD NOT BE CORRECT TO SAY THAT AT THIS TIME MORE THAN ONE TWO ARE FULLY COMMITTED. GENERAL CAO VAN VIEN, FOR EXAMPLE, IS BELIEVED TO SUPPORT KY, BUT HE PROBABLY STILL HAS A LINE OUT TO THIEU AND COULD SWITCH TO THIEU'S CAMP IF IT SEEMED WISE.

3. THERE ARE THOSE WHO SAY THAT KY SEEMS TO HAVE A BETTER STANDING THAN THIEU. KY'S PROBABLE SUPPORTERS ARE SAID TO INCLUDE THE AIR FORCE AND GENERAL KHANG, LOAN, THANG, LAM, CAO VAN VIEN, AND LINH QUANG VIEN.

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THROUGH THE AIR FORCE AND GENERALS KHANG AND LOAN, KY CAN MUSTER MOST IF NOT ALL OF THE EFFECTIVE ARMED FORCE IN THE SAIGON AREA. THIS MAKES AN ARMED COUP AGAINST KY RATHER UNLIKELY AND SUGGESTS THAT THIEU WOULD HAVE TO REPLY ON POLITICAL MANEUVER.

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4. THE ABOVE DOES NOT TAKE INTO CONSIDERATION THE POSSIBILITY OF A PALACE COUP OR SOME VARIANT THEREOF. THIS POSSIBILITY APPEARS REMOTE. KY HAS ASSURED ME THAT THIS WILL NOT BE DONE TO THEIU AND THIEU HAS GIVEN ME COMPARABLE ASSURANCE.

5. VIETNAMESE POLITICIANS BOTH IN AND OUT OF THE ARMY ARE KEENLY CONSCIOUS OF OUR POSITION AND CONSTANTLY SEEK TO KNOW OUR VIEWS ON IMPORTANT QUESTIONS. THIS IS CERTAINLY TRUE IN THE PRESENT CASE. IT IS POSSIBLE THAT SOME INDIVIDUALS OR FACTIONS MIGHT FEEL THERE WAS LESS CHANCE OF EFFECTIVE INTERFERENCE FROM US IF THEY MOVED DURING THE BRIEF INTERIM BETWEEN MY DEPARTURE AND AMBASSADOR BUNKER'S ARRIVAL. I THINK HOWEVER THAT THIS WOULD BE ONLY ONE OF MANY CONSIDERATIONS IN THEIR MINDS, AND NOT A RULING ONE AT THAT. AS I INDICATED IN AN EARLIER MESSAGE, SUCH A MOVE DOES NOT SEEM LIKELY.

6. I BELIEVE THERE IS A REAL ADVANTAGE IN THE AMERICAN AMBASSADOR HERE AT THIS TIME NOT KNOWING THE POSSIBLE CANDIDATES WELL. VIETNAMESE OBSERVERS WILL MORE READILY BELIEVE THAT THE U.S. IS IMPARTIAL THAN WOULD BE THE CASE IF I WERE HERE. NO MATTER HOW IMPARTIALLY I ACTED IN FACT THERE WOULD BE IMPRESSIONS CAUSED BY THE WELL KNOWN FRIENDSHIPS WHICH I HAVE MADE OVER THE YEARS.

LODGE
BT

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